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REMARKS

Claims 1-32 are currently pending in the application.

Objections

Page 1 of the specification is amended as per the Examiner's objection.

Claims rejections 35 U.S.C. §103

Claims 1-32 are rejected under 35 U.S.C. §103(a) as being obvious over Yeung et al. (US Patent No. 6,668,246) in view of Yamamoto et al. (US Patent No. 6,259,506).

Considering first the present invention, and reference is first to claim 1 of the present application. In claim 1 it is clearly stated that the first portion of the divided digital content is to be stored on a first computerized apparatus, and that the second portion of the divided digital content is to be stored on a second computerized apparatus. The first portion is stored as is, and the second portion is watermarked.

Reference is now made to paragraph 5 in the background of the present application and to claims 3 and 6 of the present application, from which it can be seen that this feature is critical to achieve one of the aims of the invention which is efficient distribution using proxy servers or networks of the non-watermarked portion while retaining the security offered by the use of the watermarked portion. That is to say one of the issues in the mind of the skilled person when faced with the problems that gave rise to the present invention was *efficient* distribution of the data. Whereas the skilled person would not know how to apply a watermark in a way that does not affect distribution, the present invention involved the inventive insight that the data could be divided into two portions, one to be left unaffected and only the second to have a watermark applied thereto.

The same feature, of storing the divided portions of the digital content at separate locations, are claimed in the other independent claims rejected under 35 USC 103, claims 11,17 and 27 as well.

Neither Yeung nor Yamamoto teach this feature, namely of dividing the data into two portions and watermarking only one of the two portions in order to improve distribution efficiency of the data.

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We now consider Yeung in greater detail. As the Examiner quite rightly states, Yeung does not teach watermarking the second portion of the content nor does he teach storing the second portion on a second computer apparatus.

However, contrary to the Examiner's contention, applicant respectfully asserts that Yeung does not teach *splitting* the data into first and second portions. Rather the passage pointed out by the Examiner in this regard, column 3 lines 60-64 merely teaches *delayed or stepped delivery* of the *entire unified* content. That is to say, the data remains unified, but is delivered in arbitrary packages depending on channel availability. Thus, even if the data is transferred in two or more shifts, the data is arbitrarily divided based on time and channel availibility, rather than divided into two portions as such. The division into two portions *does not persist*. Rather it is merely temporary and lasts over the communication channel, nothing more, so it makes no sense to talk of watermarking or carrying out any other operation on the separate portions.

Referring now to Yamamoto, in this disclosure the data is indeed divided into two parts, a first data section and a second data section. However in the passage referred to by the Examiner in column 19 Yamamoto teaches rather more than that the watermark is merely attached specifically to just one of the data portions. Rather it is taught in column 19 lines 15 to 19 that "the used method *information* indicating the used watermarking *method* is inserted into the digital data corresponding to the first data section while the relevant information is embedded in the digital data corresponding to the second data section by the used watermarking method."

In other words, what Yamamoto teaches is a system involving two items of data sent separately, one holding the watermark and the other holding information allowing the watermark to be understood.

Because Yamamoto teaches changing of both parts of the data, it is respectfully submitted that the skilled person faced with the present problem of efficient distribution of the content would not consider Yamamoto.

Furthermore, in the case of Yamamoto, the distribution of the content is indeed referred to as a reference to transmission paths (e.g. in claim 12), but only in reference to client side logic.

The Examiner's assertion is that it would have been obvious to take the two data sections taught in Yueng, store one of them on one computer and the other on another

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computer as taught in Yamamoto, and then apply a watermark to one of them as in Yamamoto.

This assertion cannot be accepted for the following reasons:

1)   As explained above, Yeung only teaches incidental splitting of the data during transmission. It is not obvious to do anything with incidental units of data that only remain split when being transferred down a channel. Thus the two incidental and temporary divisions of data in Yeung cannot be considered for watermarking.

2)   Yamamoto teaches a complimentary system in which one of the items of data has a watermark and the other has the key for understanding the item of data. The present invention seeks to restrict data changes to one section of the data and leave the bulk of the data unchanged. However Yamamoto teaches altering both items of data. The solution of Yamamoto would therefore be rejected by the skilled person.

It is respectfully pointed out to the Examiner that the two reasons set out above apply both by themselves and together. The claim is distinguished over Yeung in that Yeung does not teach splitting the data into two parts *that can be treated in some way*, storing the sections on separate computers, watermarking one of the parts, and then combining the two parts to provide watermarked content. The *"that can be treated in some way"* is not explicit in the claim but is believed to be implicit since the claim further defines that a watermark is applied to one of those parts.

The skilled person would not be motivated to consider Yamamoto as being relevant to the problem since Yamamoto does not teach leaving the bulk of the data unchanged. Therefore the missing information from claim 1 is not made up, and claim 1 is thus believed to be novel and inventive in its present form.

The same arguments are believed to apply *mutatis mutandis* to the remaining independent claims.

The dependent claims are believed to be allowable as being dependent on allowable main claims.

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All of the matters raised by the Examiner are believed to be overcome. In view of the foregoing, it is believed this application is now in condition for allowance, and an early Notice of Allowance is respectfully requested.

Respectfully submitted,

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Enclosure:

A Petition for One Month Extension of Time